

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512



January 31, 2007

Margaret Fitzgerald  
Panoche Energy Center  
URS Project Manager  
2020 East 1<sup>st</sup> Street, Suite 400  
Santa Ana, CA 92075

<b>DOCKET</b>	
<b>06-AFC-5</b>	
<b>DATE</b>	JAN 31 2007
<b>RECD.</b>	JAN 31 2007

Dear Ms. Fitzgerald,

**PANOCHÉ ENERGY CENTER POWER PLANT PROJECT (06-AFC-5)  
DATA REQUESTS – ROUND 2**

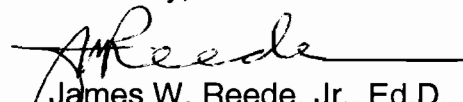
Pursuant to Title 20, California Code of Regulations, section 1716, the California Energy Commission staff requests the information specified in the enclosed data requests. The information requested is necessary to: 1) more fully understand the project, 2) assess whether the facility will be constructed and operated in compliance with applicable regulations, 3) assess whether the project will result in significant environmental impacts, 4) assess whether the facilities will be constructed and operated in a safe, efficient and reliable manner, and 5) assess potential mitigation measures.

This set of data requests (#61-72) is being made in the areas of biological resources, cultural resources, noise, and traffic & transportation. Written responses to the enclosed data requests are due to the Energy Commission staff on or before March 1, 2007, or at such later date as may be mutually agreed.

If you are unable to provide the information requested, need additional time, or object to providing the requested information, you must send a written notice to both Commissioner Jeffery Byron, Presiding Committee Member for the Panoche Energy Center Power Plant Project, and to me, within 10 days of receipt of this letter. The notification must contain the reasons for not providing the information, the need for additional time, and the grounds for any objections (see Title 20, California Code of Regulations, section 1716 (f)).

If you have any questions, please call me at (916) 653-1245, or E-mail me at [jreede@energy.state.ca.us](mailto:jreede@energy.state.ca.us).

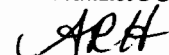
Sincerely,



James W. Reede, Jr., Ed.D.  
Energy Facility Siting Project Manager

Enclosure  
cc: POS

PROOF OF SERVICE (REVISED 12/19/06) FILED WITH  
ORIGINAL MAILED FROM SACRAMENTO ON 1/31/07



**Panoche Energy Center Project  
Data Requests  
(06-AFC-5)**

**Technical Area: Biological Resources**

**Author:** Heather Blair

**BACKGROUND**

As identified in Section 12.2.1 of the Panoche Energy Center (PEC) Interconnection System Impact Re-Study Plan, reconductoring of the Wilson-Gregg 230 kV transmission line will be required to mitigate a new Category “B” emergency overload. This portion of the project was not analyzed in the AFC, so biological resource information is needed so staff can complete its analysis.

**DATA REQUESTS**

61. Please provide the following information related to the reconductoring of the Wilson-Gregg 230kV transmission line.
  - a) Please provide a general description of the likely biological resource issues and sensitive species that may be found in the area of the anticipated Wilson-Gregg 230 kV transmission line reconductoring work.
  - b) Please provide maps, at a suitable scale, that show the likely location(s) of the sensitive species, a general discussion of potential impacts to sensitive biological resources, all potential mitigation measures, and if any other permits such as an incidental take permit are likely to be required for the reconductoring work.
  - c) Please identify the source(s) of information that were utilized to generate the list of potential biological resource issues and sensitive species.
  - d) If other biological resource-related permits will be required from state or federal agencies please identify the permits, permitting agencies, and discuss the schedule for those processes.

**Panoche Energy Center Project  
Data Requests  
(06-AFC-5)**

**Technical Area: Cultural Resources**

**Author: Beverly E. Bastian**

**BACKGROUND**

Cultural Resources staff Data Request 30 addressed the possible California Register of Historical Resources (CRHR) eligibility of the Panoche Substation. If the substation is 45 years old or older, staff asked that the applicant:

- have a qualified architectural historian complete Department of Parks and Recreation (DPR) 523 “Primary” and “Building, Structure, and Object” forms for the Panoche Substation;
- have the qualified architectural historian also assess the project’s potential impact on the substation; and
- provide the completed forms and assessment to staff.

The applicant responded that “the substation is a relatively recent facility and was not located or found on earlier historical maps.” The applicant also noted that JRP Historical Consulting Services performed background research for the proposed project and conducted an inventory of the existing structures and other built resources within and adjacent to the PEC project area, but found no resources eligible for the National Register of Historical Places or the CRHR. According to the applicant, JRP “found no additional information to suggest that the Panoche Substation was in any way significant.”

Staff has reviewed JRP’s June, 2006, “Historical Resources Inventory and Evaluation Report” (AFC Appendix J), and finds the Panoche Substation mentioned only in passing, as follows:

- in spatial relation to the project (p. 1);
- as not having been previously identified as a potential historic resource (second p. 1); and
- as appearing in a 1950 aerial photograph (p. 7).

The JRP report focused on three agricultural or residential historic resources which are located near the proposed PEC and older than 45 years, thus potentially eligible for the CRHR. None of the three resources was the Panoche Substation. While JRP was very thorough in providing a local agricultural history of the area, compiling information from land records, maps, and aerial photographs on the three resources, and completing careful descriptions and DPR 523 forms for them, the report does not directly address or evaluate the Panoche Substation, and JRP did not complete DPR 523 forms for it.

Although the applicant apparently assumes that JRP researched and evaluated the Panoche Substation, staff’s review of the JRP report found that was not the case. The JRP report did, however, provide an indication of the age of the substation. Since the substation was constructed by 1950, it is at least 56 years old and thus potentially eligible for the CRHR. Consequently, staff must ask again that the substation be researched and evaluated for eligibility to the CRHR.

**Panoche Energy Center Project  
Data Requests  
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**DATA REQUEST**

62. Please have a qualified architectural historian complete Department of Parks and Recreation (DPR) 523 "Primary" and "Building, Structure, and Object" forms for the Panoche Substation, including an evaluation of significance. Please have the qualified architectural historian also assess the project's potential impact on the substation, and provide the DPR 523 forms and impact assessment to staff.

**BACKGROUND**

The Panoche Energy Center Interconnection System Impact Re-Study (November 27, 2006) indicates that overload mitigation would be required on the Wilson-Gregg 230 kV transmission line to accommodate new PEC output. The mitigation will entail the reconductoring of one mile of that line and will also require some upgrades to a substation to which this line connects. Neither the AFC nor the Interconnection System Impact Study include detailed information on the Wilson-Gregg 230 kV line or on the substation which would have to be upgraded.

Staff needs to know the location (and name) of the substation and of the affected transmission line segment, and also needs to know if there are any known cultural resources within ½ mile to either side of the transmission line. In addition, if it has not been surveyed for cultural resources within the past five years, the affected one-mile segment will have to be surveyed by a qualified archaeologist. Also, if the substation or the transmission line are 45 years of age or older, a qualified architectural historian will have to record them on Department of Parks and Recreation 523 forms, make a recommendation on their eligibility for the California Register of Historical Resources (CRHR), and, if they are eligible, evaluate the impact of the upgrade and reconductoring on them.

**DATA REQUESTS**

63. Please provide a map showing the Wilson-Gregg 230 kV transmission line and the one-mile segment which would have to be reconductored. Also, please include on the map the substation which will be upgraded. Please use a scale which will allow staff to discern where the segment and the substation are located in relation to the PEC project.
64. Please conduct a CHRIS records search for an area within of ½ mile of either side of the segment which will be reconductored and around the substation. Please provide the results, including all reports, maps, and inventory forms, to staff.
65. If the area within 50 feet of the centerline of the transmission line segment that would have to be reconductored has not been surveyed for cultural resources within the past five years, please have a qualified archaeologist conduct a survey of that area and provide a letter report to staff describing survey methods, personnel qualifications, and findings. If it has been surveyed within the past five years, please provide a copy of the survey report.

**Panoche Energy Center Project  
Data Requests  
(06-AFC-5)**

66. If the substation or the transmission line are 45 years of age or older, please have a qualified architectural historian record them on Department of Parks and Recreation (DPR) 523 forms. Also, please have the architectural historian make a recommendation on the eligibility of these potential cultural resources for the CRHR, and, if they are eligible, evaluate the impact of the upgrade and reconductoring on them. Please provide the DPR forms, eligibility recommendations, and impact assessments to staff.
67. Please describe all construction activities associated with reconductoring the one-mile transmission line segment and with upgrading the substation's equipment. Please provide these descriptions to staff and to the architectural historian specified in the previous question.
68. Please provide an analysis of any potential impacts related to the reconductoring of the transmission line and modifications to the substation.

**Panoche Energy Center Project  
Data Requests  
(06-AFC-5)**

**Technical Area: Noise**

**Author:** Shahab Khoshmashrab

**BACKGROUND**

Staff's Data Request #41 asked the applicant to provide the noise mitigation measures being considered and the final estimated project noise levels during operations at noise monitoring location ML2 after incorporating the effects of the additional noise mitigation measures considered in the AFC (Section 5.12.3) into the noise calculations. In that data request, staff also asked the Applicant to state if, as an alternative, the use of this location as a multi-family residence will be removed prior to the start of project operation. In Data Response #41, the applicant stated "Panoche Energy Center has entered discussions with Farmer's International, the owner of the property at ML2, to relocate the residence approximately 0.5 miles away so that it is unaffected by the power plant." Staff would like to know the outcome of these discussions and whether the residence will be, in fact, relocated. If the residence will be relocated, staff would like to know the expected project noise level at the new location.

**DATA REQUESTS**

69. Please state if, in fact, the residence at ML2 will be relocated so that it is unaffected by the power plant noise. If the residence will be relocated, please provide the projected project noise level at the new location. Please also state if, as an alternative to relocating this residence, the Applicant will be able to demonstrate compliance with the 45 dBA Fresno County nighttime standard at ML2 (AFC Section 5.12.4.3.1). Please provide a list of possible additional mitigation measures that would be considered in demonstrating compliance with the above standard, should the residence remain at its existing location.
70. If the residence will be relocated, please state when this will occur.

**Panoche Energy Center Project  
Data Requests  
(06-AFC-5)**

**Technical Area:** Traffic and Transportation

**Author:** James Adams

**BACKGROUND**

Staff relies on information in the Application for Certification (AFC) to assess the existing traffic and transportation system near the proposed power plant site, and analyze the impacts from project construction and operation. The area surrounding the PEC site is in agricultural production (pomegranate orchards). Though not discussed in the Traffic and Transportation section of the AFC, staff is interested in learning if the agricultural activities include aerial spraying of pesticides or other materials and whether this activity has been adversely impacted or restricted by the existing power plants, electrical substation, or transmission lines and towers. In addition, staff needs to know whether the operation of the PEC and the generation of visible and thermal plumes would impact or restrict any aerial spraying of agricultural materials.

**DATA REQUEST**

71. Please provide a discussion of any existing aerial spraying of agricultural materials on the adjacent pomegranate orchards and whether this practice has been altered or restricted since the construction and operation of the existing power plants, substation and transmission lines.
72. Please discuss potential impacts on aerial spraying from the proposed PEC power plant, transmission lines and towers, and visible and thermal plumes.

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE  
STATE OF CALIFORNIA**

**APPLICATION FOR CERTIFICATION  
FOR THE PANOCHE ENERGY  
CENTER**

**Docket No. 06-AFC-5  
PROOF OF SERVICE  
(Revised 12/19/06)**

**INSTRUCTIONS:** All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

CALIFORNIA ENERGY COMMISSION  
Attn: Docket No. 06-AFC-5  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

**APPLICANT**

Gary R. Chandler  
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P.O. Box 95592  
South Jordan, UT 84095-0592

**APPLICANT CONSULTANTS**

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Santa Ana, CA 92705

**COUNSEL FOR APPLICANT**

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**DECLARATION OF SERVICE**

I, Angela Hockaday, declare that on January 31, 2007, I deposited copies of the attached Data Requests - Round 2 for the Panoche Energy Center Project (06-AFC-5), in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

**OR**

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
Original signed in Dockets  
[signature]